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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,370	07/18/2003	Mark D. Tucker	SD-7250	3175
20567	7590	01/27/2006	EXAMINER	
SANDIA CORPORATION P O BOX 5800 MS-0161 ALBUQUERQUE, NM 87185-0161			ANTHONY, JOSEPH DAVID	
			ART UNIT	PAPER NUMBER
			1714	

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/623,370

Applicant(s)

TUCKER ET AL.

Examiner

Joseph D. Anthony

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/08/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24, 26, 27 and 29-38 is/are pending in the application.
- 4a) Of the above claim(s) 12-16, 22-24, 32 and 36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 17-21, 26, 27, 29-31, 33-35, 37 and 38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

FINAL REJECTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10, 17-21, 27-31, 33, 35, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tadros et al. WO 02/02192 A1 in view of Nakagawa et al. U.S. Patent Number 3,901,819.

WO teaches formulation for neutralization of chemical and biological toxants. The formulations may comprise mixtures of: 1) one or more of cationic surfactant, 2) long-chain fatty alcohol, 3) cationic hydrotrope, 4) an oxidant, such as hydrogen peroxide, 5) an alkali metal bicarbonate peroxide activator **(Examiner note: alkali metal bicarbonate reads on applicant's claimed "sorbent additive" of all independent claims and the carbonate salt of independent claim 17)**, 6) water soluble polymer, and 7) water, see abstract, examples and claims.

WO differ from applicant's claimed invention in that there is no direct disclosure to the further addition of a bleaching activator selected from the group consisting of O-acetyl, N-acetyl, and nitrile group bleaching activators.

Nakagawa et al. teach a composition for activating an inorganic peroxide bleaching agent comprising (A) an acetic acid ester of a monosaccharide, a disaccharide, a sugar alcohol, an internal anhydride of a sugar alcohol, or erythritol, said ester having at least 2 ester groups on the adjacent carbon atoms, and (B) an acetic acid ester of a polyhydric alcohol having a melting point not higher than about 30.degree.C., the weight ratio of the components being within the range of from 1/9 to 9/1. These are O-acetyl type bleach activators.

Nakagawa et al also teaches the conventional use of low water soluble tetracetyl ethylene diamine (TAED) which is a N-acetyl type bleach activator, see abstract, column 2, lines 1-29, Tables, and claims.

It would have been obvious to one having ordinary skill in the art to use the disclosure of Nakagawa et al to O-acetyl and N-acetyl bleach activators for inorganic peroxides, such as percarbonates, as motivation to actually add them as bleaching activators to the chemical and biological neutralization formulations taught by WO for the oxidation enhancement benefits such activators would provide for WO's oxidizing reactive component and the formulations as a whole.

3. Claims 11, 26, 34, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 02/02192 A1, all said patents individually in view of Nakagawa et al US Patent number 3,901,819 and further in view of Huth et al. U.S. Patent Number 6,448,062.

All said patents have been described above except for Huth et al.. This rejection builds on the rejections made above. The primary patents all differ from applicant's claimed invention in that there is no direct disclosure to the further addition of polyol drying agents such as sorbitol.

Huth et al. teach a composition for simultaneous cleaning and decontaminating a device. The composition is a per-compound oxidant in an amount effective for decontaminating the device and an enzyme in an amount effective for cleaning the device. The device may be a medical device such as an endoscope or kidney dialyzer and a plurality of devices can be cleaned using the same composition. The composition may additionally contain a corrosion inhibitor in an amount effective to prevent corrosion of a metal, a chelator, a buffer, a dye and combinations thereof, see abstract, examples and claims. Huth et al directly discloses that it is well known in the art to use polyols, such as sorbitol, as drying agents in decontamination compositions, see column 20, lines 26-41.

It would have been obvious to one having ordinary skill in the art to use the disclosure of Huth et al to polyol drying agents for decontamination formulations as motivation to actually added polyols, such as sorbitol, to the decontamination formulations taught by the primary references for the benefits that such drying agents would effect in said decontamination formulations.

Art Unit: 1714

4. Claims 27, 29, 31, and 33 are rejected under 35 U.S.C. 103(a) as being obvious over Kresanoski U.S. Patent Number 3,852,210 in view of Nakagawa et al. U.S. Patent Number 3,901,819.

Krezanoski teaches a stable liquid concentrate comprises about 0.1-50% of an active oxygen yielding compound, about 0.5-50% of a sulfobetaine or betaine surfactant, about 1-50% of a nonionic polyoxyethylene-polyoxypropylene block copolymer surfactant, and 10-80% water. The concentrate exhibits a loss of active oxygen of as little as 6.7% after 675 days and has utility as a bleaching and cleaning composition. The composition can be diluted with pure or ordinary tap water. See abstract and Example 1. Krezanoski differs from applicant's claimed invention in that there is no direct disclosure to the further addition of a bleaching activator selected from the group consisting of O-acetyl, N-acetyl, and nitrile group bleaching activators.

Nakagawa et al. teach a composition for activating an inorganic peroxide bleaching agent comprising (A) an acetic acid ester of a monosaccharide, a disaccharide, a sugar alcohol, an internal anhydride of a sugar alcohol, or erythritol, said ester having at least 2 ester groups on the adjacent carbon atoms, and (B) an acetic acid ester of a polyhydric alcohol having a melting point not higher than about 30.degree.C., the weight ratio of the components being within the range of from 1/9 to 9/1. These are O-acetyl type bleach activators.

Nakagawa et al also teaches the conventional use of low water soluble tetracetyl

Art Unit: 1714

ethylene diamine (TAED) which is a N-acetyl type bleach activator, see abstract, column 2, lines 1-29, Tables, and claims.

It would have been obvious to one having ordinary skill in the art to use the disclosure of Nakagawa et al to O-acetyl and N-acetyl bleach activators for inorganic peroxides, such as percarbonates, as motivation to actually add them as bleaching activators to the chemical and biological neutralization formulations taught by Krezanoski for the oxidation enhancement benefits such activators would provide for Krezanoski's oxidizing reactive component and the formulations as a whole.

5. Claims 17-20, 27, 29-31, and 33 are rejected under 35 U.S.C. 103(a) as being obvious over Hardy et al. U.S. Patent Number 4,536,314 optionally in view of Nakagawa et al. U.S. Patent Number 3,901,819 and/or Hardy et al. U.S. Patent Number 4,853,143 or.

The Hardy et al patent teaches bleach activator, bleach and detergent compositions comprising: (a) a peroxyacid bleach precursor having the general formula I "Ac—L" wherein Ac is the acyl moiety of an organic carboxylic acid comprising an optionally substituted, linear or branched C.sub.6 -C.sub.20 alkyl or alkenyl moiety or a C.sub.6 -C.sub.20 alkyl-substituted aryl moiety and L is a leaving group, the conjugate acid of which has a pKa in the range from 4 to 13, and (b) an antioxidant. The compositions combine excellent stability, substrate-safety, water-dispersibility, granulometry and detergency performance, see

abstract, columns 2-8, claims column 13, lines 48-59, column 14, line 64 to column 15, line 25 and Examples 3-5, 7-8 and 24. Please note that example 24 teaches the use of sodium citrate.

The rejection over Hardy is made by way of obviousness because there is no direct teaching (by way of a specific example) that contains all of applicant's claimed components. Nevertheless, it would have been obvious to one having ordinary skill in the art to use the broad disclosure of the patent as motivation to actually make a composition that comprised all of applicant's claimed components since all such components are suggested by the patents to be used in combination with each other. In the alternative Hardy can be combined with Nakagawa et al. for Nakagawa et al.'s direct disclosure of bleach precursors/activators that read directly on applicant's claimed bleaching activators. Likewise hardy '143 can be combined with hardy '314 for hardy '143 more specific disclosure to the use of benzyl cationic surfactants, see column 11, lines 3-43.

Response to Arguments

6. Applicant's arguments filed 11/08/05 have been fully considered but are not persuasive to put the application in condition for allowance for the reasons set forth above. Additional examiner comments are set forth next.

The prior-art rejection made over WO 02/02192 A1 remains in effect since contrary to applicant's assertion, the filed "Statement of Common Ownership under 35

Art Unit: 1714

USC 103(c)" does not make any mention to the WO 02/02192 A1 reference. As such, the prior-art rejection over this reference remains. In addition, contrary to applicant's assertion that the applied Kresanoski reference does not teach the use of either a sorbent additive or a water-soluble bleaching activator, is the actual disclosure of Kresanoski's Example wherein the Acetanilid component reads on applicant's N-acetyl type bleach activator and the polyoxyethylene-polyoxypropylene condensate reads on applicant's sorbent additive. Furthermore, note that Hardy '314 direct teaches the use of sodium citrate in Example 25 contrary to applicant's assertion the Hardy does not teach sodium citrate. Finally, applicant's Terminal Disclaimers have been accepted by the PTO.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 1714

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Examiner Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Joseph D. Anthony whose telephone number is (571) 272-1117. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Vasu Jagannathan, can be reached on (571) 272-1119. The centralized FAX machine number is (571) 273-8300. All other papers received by FAX will be treated as Official communications and cannot be immediately handled by the Examiner.



Joseph D. Anthony
Primary Patent Examiner
Art Unit 1714

1/23/06